



Appeal Decision

by **A L McCooey BA MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Decision date: 22/08/2023

Appeal reference: CAS-02517-V8M9K4

Site address: Former Constitutional Club, 1-3 Office Place, Glyncorrwg, SA13 3DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Gareth Tomlinson against the decision of Neath Port Talbot County Borough Council.
 - The application Ref P2022/0663, dated 1 August 2022, was refused by notice dated 4 October 2022.
 - The development proposed is Change of use from social club to dwelling (C3 use) and associated work.
 - A site visit was made by the Inspector on 14 August 2023.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would comply with advice in Technical Advice Note 15 Development and Flood Risk (TAN15), and whether the loss of a community use would be unacceptable in accordance with Policy SC2 of the Local Development Plan.

Reasons

3. The site is within the settlement close to the confluence of Corrwg Fechan stream, the Nant Ddu and the Afon Corrwg. The building is two storey and in a dilapidated condition but appears to be sound. The building is set within a large plot with no neighbouring residential properties. The site is within the settlement limits where the principle of a dwelling would normally be acceptable in terms of national and local policy.

Flood Risk and advice in TAN15

4. The site is within Zone C2 of the Development Advice Map (DAM) contained in TAN15 and in Flood Zone 2/3 Rivers in the latest Flood Map for Planning (represents the latest data). The proposal represents a change of use from less vulnerable development to highly vulnerable development (residential) as defined in TAN15. Paragraph 6.2 of TAN15 states that highly vulnerable development and emergency services should not be permitted in Zone C2. This position was reinforced in a letter from Welsh Government to Chief Planning Officers, dated 9 January 2014. Thus the appeal proposal does not meet the tests in Section 6 of TAN15.

5. The appellant claims that the former use as a club involved a residential element - a kitchen at ground floor and bedrooms at first floor. However, no convincing evidence of a lawful residential use has been supplied and no certificate of lawful development has been obtained. The floor plans that accompany the application show no annotations to any of the rooms and no indication of residential use. The Local Planning Authority provides evidence that there is no record of Council tax payments for domestic use of the property.
6. The appellant argues that paragraph 6.1 of TAN15 favours a flexible approach. He then considers the criteria for other development including the submitted Flood Consequences Assessment and concludes that it would be acceptable. However, I have found that the proposal is for highly vulnerable development and in these circumstances criteria i – iv do not apply.
7. I conclude that the proposal would be contrary to the provisions of Paragraph 6.2 of TAN15, and that planning permission should be refused for this reason.

Loss of a community use

8. Policy SC2 (Protection of Existing Community Facilities) of the Neath Port Talbot Local Development Plan (LDP) states that the loss of an important existing community facility will only be permitted where it can be demonstrated that the facility is surplus to requirements or the use is no longer viable. Applicants are required to provide information demonstrating how the facility is no longer viable or needed by the community. Evidence may include details of the reasons why a building is no longer in use, of alternative local provision in the area, of the other options for community use that have been considered and of marketing efforts for sale or lease of the building for its existing use.
9. The appellant relies on the fact that the building has not been in use for over 10 years as evidence that it is no longer viable. Commentary on general societal trends leading to less demand and the decline of pubs is not specific to this premises. The appellant provides no information on the role of the Constitutional Club when it was in use. I acknowledge that the club has been vacant for over 10 years and that there are 2 other facilities within 1km in the village to meet the needs of the modest local population. However, I consider that the absence of any evidence of other options for community use or marketing of the building means that the proposal does not comply with Policy SC2.

Other Matter

10. The appellant refers to the closure of the community centre by the Council. This point was made in the final comments and the Council had no opportunity to comment. I also noted during my site visit that there appears to be a community centre within the settlement.

Conclusion

11. I have taken account of the policy support for regeneration proposals that provide additional dwellings and the benefits to the area from bringing the building back into beneficial use. I consider that these benefits do not outweigh the identified harm and that the appeal should be dismissed for the reasons given above. Having taken all relevant matters into account, I conclude that the appeal should be dismissed for the reasons given above.
12. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.

A L McCooey

INSPECTOR